

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Forbearance Under 47 U.S.C.	)	
Section 160(c) from Pricing Flexibility Rules	)	WC Docket No. 04-246
For Fast Packet Services	)	
	)	

**ORDER**

**Adopted: February 16, 2005****Released: February 16, 2005**

By the Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> we extend by 90 days the date by which the petition requesting forbearance filed by the local telephone companies of Verizon Communications Corp. (Verizon) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.<sup>2</sup>

2. On June 25, 2004, Verizon filed a petition<sup>3</sup> requesting that the Commission forbear from enforcing section 69.729 of its rules<sup>4</sup> and paragraph 173 of the *Pricing Flexibility Order*.<sup>5</sup> Verizon requests this relief so that it can exercise pricing flexibility for certain advanced services that rely on packetized technology in areas where Verizon has already been granted pricing flexibility for other special access services.<sup>6</sup>

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<sup>1</sup> 47 U.S.C. § 160(c).

<sup>2</sup> 47 U.S.C. § 160(a).

<sup>3</sup> Verizon Petition, in the Alternative, for Forbearance to Allow It to Exercise Pricing Flexibility for Advanced Services Where the Commission Has Granted Relief for Traditional Special Access Services, WC Docket No. 04-246 (filed June 25, 2004) (Verizon Petition). Verizon filed its forbearance petition as an alternative to a petition seeking a waiver of section 69.729 and paragraph 173, which it filed at the same time in this docket.

<sup>4</sup> 47 C.F.R. § 69.729 (concerning pricing flexibility for new services).

<sup>5</sup> See Memorandum of Points and Authorities in Support of Verizon's Petition at 5 (filed June 25, 2004) (citing *Access Charge Reform*, CC Docket Nos. 96-262 et al., Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221, 14310, para. 173 (1999) (*Pricing Flexibility Order*) ("Whenever a price cap LEC can demonstrate in an annual access tariff filing that one of its new services would be properly incorporated into a basket or service band for which it has been granted Phase I or Phase II regulatory relief in any MSA or MSAs, it will be granted the same relief in the same MSAs for that new service."), *aff'd*, *WorldCom, Inc. v. FCC*, 238 F.3d 449 (D.C. Cir. 2001).

<sup>6</sup> Verizon Petition at 1. Verizon describes the services at issue as "advanced services that rely on packetized technology, including Frame Relay, Asynchronous Transfer Mode ("ATM"), and other packet-switched services other than DSL." Verizon Petition at 1. Verizon identifies these other services as Internet Protocol-Virtual Private  
(continued....)

3. Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the one-year period is extended by the Commission.<sup>7</sup> The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).<sup>8</sup>

4. The petition under review raises significant questions regarding whether forbearance from enforcing section 69.729 of the Commission's rules and paragraph 173 of the *Pricing Flexibility Order* meets the statutory requirements set forth in section 10(a).<sup>9</sup> The Bureau thus finds that a 90-day extension is warranted under section 10(c).<sup>10</sup>

5. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the date on which the petition seeking forbearance filed by Verizon shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to September 22, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey J. Carlisle  
Chief, Wireline Competition Bureau

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Network and National Transparent Local Area Network (LAN) Service. Reply Comments of Verizon at 3 n.5 (filed Aug. 13, 2004) (citing Memorandum of Points and Authorities in Support of Verizon's Petition at Attach. B).

<sup>7</sup> 47 U.S.C. §§ 160(a), (c).

<sup>8</sup> See 47 U.S.C. § 160(a); see also, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

<sup>9</sup> 47 U.S.C. § 160(a).

<sup>10</sup> 47 U.S.C. § 160(c).